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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/109,343	06/30/1998	SHANTIGRAM JAGANNATH	082771.P277	3430
8791	7590	02/25/2004		
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD, SEVENTH FLOOR LOS ANGELES, CA 90025			EXAMINER LEE, CHI HO A	
			ART UNIT 2663	PAPER NUMBER 21

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/109,343

Applicant(s)

JAGANNATH ET AL

Examiner

Andrew Lee

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,7-11,14,16,19,21 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,7-11,14,16,19,21 and 23-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *RCE*

1. The request filed on RCE for a Request for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/109,343 is acceptable and a RCE has been established. An action on the RCE follows.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 7-11, 14, 16-, 19, 21, 23-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Le Goff et al U.S. Patent Number 6,438,127.

Re Claims 1, 8, 16, 24, 26, fig. 1 teaches plurality of VPNs coupled to the IP backbone (a first edge router, a backbone router, a second edge router). It is inherent that the routers in the IP network to include a processor and tables to perform routing of packets. In particular, teaches that each VPN is associated with an VPD-ID and a disjointed partial address space (each table associated with a different VPN) (See fig. 2 & col. 4, lines 37-51).

Further teaches that VPN-ID are contained in the packet and exchanged between the routers (col. 3, lines 53-64).

Le Goff et al fails to explicitly teach "having a label that includes a VPN-ID according to the MPLS standard.

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It is known to one skilled that MPLS allows the IP packets to be switched at a higher rate than routing. This is a small header called a label is encapsulated onto the IP datagram and forwarding is based on the label as opposed to the destination IP address.

One skilled in the art would have been motivated by known MPLS standard to modify the Le Goff et al to include the VPN-ID into the label of the known MPLS standard to improve throughput.

Therefore, it would have been obvious to one ordinary skilled to include an VPN-ID into the label of the MPLS standard.

Re Claim 2, 3, 9, 10, the tables in the fig.1 router are routing or forwarding tables.

Re Claim 5, the routers inherently have a port for transmitting packets.

Re Claims 7, 27, 28, refer to Claim 1, wherein label inherently includes a forwarding label to conform to the MPLS standard and includes a VPN-ID to enable routing.

Re Claims 11, 14, 19, 23, refer to Claim 1, wherein each of the routers of fig. 1 inherently maintains an VPN-ID table to distinguish over other VPNs.

Re Claims 24, the backbone router inherently comprises a second route table to route other than VPN-ID association.

Re Claims 25, 29, 30-32, refer to Claim 1, wherein each VPN-ID is associated with an addressing space. (a portion of the route table).

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 703-305-1500. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ANDY LEE  
AL PATENT EXAMINER  
2/18/04

